

Scott M. Riemer (SR 5005)
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IFTIKHAR AHMAD,

10 CV 4545 (PAC) (MHD)

Plaintiff,

REPLY AFFIRMATION OF
SCOTT M. RIEMER

-against-

HARTFORD LIFE AND ACCIDENT
INSURANCE COMPANY,

Defendant.

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SCOTT M. RIEMER, an attorney duly admitted to practice in the Courts of this State, does hereby affirm to be true under the penalties of perjury as follows:

1. I am counsel for plaintiff in the above-referenced action. I submit this reply affirmation in further support of Ahmad's motion to for summary judgment.

2. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the Policy & Procedure Manual: GBD Special Investigation Unit ("Hartford's Manual") produced by Hartford in *Jacoby v. Hartford Life and Accident Insurance Company*, 07 CV 4627. The documents were produced pursuant to court order on January 23, 2009. *See, Jacoby v. Hartford*, 254 F.R.D 477 (S.D.N.Y. 2009) (Kaplan, J.).

3. Although the excerpts of Hartford's Manual in Exhibit 11 are stamped "CONFIDENTIAL," they are not confidential. They are not subject to any protective order. As Judge Kaplan held:

Defendant's contention that "[a]n appropriate protective order is necessary before [its BMS Claims Manual and SIU Reference Manual] are produced" is without merit in light of its failure even to offer an explanation as to why that is so. Moreover, plaintiff has pointed out that these documents already were produced in another action without benefit of any protective order and, for this and other reasons, are not confidential. Defendant shall produce them.

See, 254 F.R.D. at 479.

WHEREFORE, Ahmad's motion should be granted in its entirety.

Dated: New York, New York
November 22, 2011

/s/Scott M. Riemer
SCOTT M. RIEMER (SR5005)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on November 22, 2011 I served a true and complete copy of the foregoing Reply Affirmation in Further Support of Plaintiff's Motion for Summary Judgment by transmitting the same by electronic mail to the following individuals at the e-mail addresses indicated:

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I also certify that this document filed through the ECF system will be sent electronically to all registered participants on November 22, 2011.

Dated: New York, New York
November 22, 2011

/s/Scott M. Riemer
Scott M. Riemer